



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,333	04/24/2000	Mary Michelle Quinton	210599	7798

45979 7590 09/22/2005

PERKINS COLE LLP/MSFT
P. O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/557,333

Applicant(s)

QUINTON, MARY MICHELLE

Examiner

Olisa Anwah

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 11-77 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 78-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2645

DETAILED ACTION

Claim Objections

1. Claim 10 is objected to because of the following informalities: the term client computer in line 1 lacks proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-8, 10, 78, 79, 82, 83, 85, 86, 89 and 90 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ram et al, U.S. Patent No. 6,625,258 (hereinafter Ram).

Regarding claim 1, Ram discloses an enhanced interactive voice response system, comprising:

Art Unit: 2645

a call router to route an internet protocol telephony call (col. 10, line 48 to col. 11, line 14);

an interactive voice response application (VAS, unit 102) to receive the Internet protocol telephony call from the call router; and

a telephony API (column 3) used by the application to form a connection with a caller and control a media stream transmitted to form a connection with a caller and control a media stream transmitted over the connection by selecting a terminal object from among a group of registered terminal objects (col. 11, line 5) adhering to a uniform interface, each providing specific functionality.

Regarding claim 2, see column 5.

Regarding claim 3, see unit 114.

Regarding claim 4, see column 5.

Regarding claim 5, see columns 12 and 13.

Regarding claim 6, see columns 12 and 13.

Regarding claim 7, see columns 12 and 13.

Regarding claim 8, see columns 12 and 13.

Regarding claim 10, see columns 12 and 13.

Claim 78 is rejected for the same reasons as claim 1.

Art Unit: 2645

On the matter of claim 79, see column 11.

On the matter of claim 82, see column 11.

On the matter of claim 83, see Figure 5A.

Claim 85 is rejected for the same reasons as claim 78.

Claim 86 is rejected for the same reasons as claim 79.

Claim 89 is rejected for the same reasons as claim 82.

Claim 90 is rejected for the same reasons as claim 83.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 84 and 91 are rejected under 35 U.S.C § 103(a) as being unpatentable over Ram in view of Dodrill et al, U.S. Patent Application Publication No. 2005/0193332 (hereinafter Dodrill).

Regarding claim 84, Ram does not explicitly state the menu of choices is read from an XML file. However Dodrill discloses this limitation (see paragraph 0010). Hence it would have been

Art Unit: 2645

obvious to one of ordinary skill in the art at the time the invention was made to modify Ram with the XML file of Dodrill. This modification would have improved would have improved the flexibility of Ram by allowing for a system that supports a plurality of protocols as suggested by Ram (observe column 8).

Claim 91 is rejected for the same reasons as claim 84.

6. Claims 80, 81, 87 and 88 are rejected under 35 U.S.C § 103(a) as being unpatentable over Ram in view of Cohen et al, U.S. Patent No. 6,859,776 (hereinafter Cohen).

As per claim 80, Ram does not explicitly indicate loading a grammar for speech recognition. Regardless, Cohen teaches this feature (see column 5). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ram with the grammar of Cohen. This modification would have improved the efficiency of Ram by reducing the amount of information the user is required to provide during a dialog as suggested by Cohen (see abstract).

Concerning claim 81, see column 9 of Cohen.

Claim 87 is rejected for the same reasons as claim 80.

Claim 88 is rejected for the same reasons as claim 81.

Art Unit: 2645

Response to Arguments

7. Applicant argues Ram does not disclose objects providing various call services that adhere to a common interface. Examiner respectfully disagrees. Similar to Applicant's disclosure, Ram provides for a terminal object that examines audio received over a call for DTMF tones (see column 11). Additionally Ram provides for a different terminal object that examines audio received over a call for voice input (see column 11). Applicant's remarks filed 6/16/5 states that Applicant's technology allows various vendors to provide pluggable communication services by developing terminal objects. However, nowhere do Applicant's claims recite the technology allows various vendors to provide pluggable communications services. For these reasons, the Examiner cannot allow the claims as presently claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be

Art Unit: 2645

reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.

Olisa Anwah
Patent Examiner
September 16, 2005



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600